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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,689	01/30/2001	Haruhisa Sakuma	122.1433	8149

21171 7590 07/30/2004

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EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,689

Applicant(s)

SAKUMA ET AL.

Examiner

Beemnet W Dada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urano et al (hereinafter Urano) (US Patent No. 6,202,158 B1) in view of Cummer (Reference U).

4. As per claims 1, 14 and 23, Urano teaches an electronic apparatus comprising;
a first memory having stored therein a parameter for representing at least conditions of an illegal use of said apparatus (storing in a managing computer illegal access judgment standard) [column 3, lines 60-65, column 4, lines 1-12, lines 53-62 and column 6, lines 1-15],
and

Further, Urano teaches a control unit which stores in a second memory illegal access information of the user and user system when said conditions represented by said parameter are established [column 4, lines 55-67 and column 6, lines 30-67]. Urano fails to teach photographing the user and storing the image when said parameter are established. However photographing an illegal user and storing the image is well known in the art. For example,

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Cummer teaches a system that records photograph image of an unauthorized user that attempts unauthorized entry into a computer system [page 1, last paragraph], which have the advantage of detecting and deterring illegal use of a system. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the method of photographing an illegal user and storing the image taught by Cummer into the illegal access detecting system of Urano to gain an advantage of detecting attempted illegal use of a computer system and identifying unauthorized user.

5. As per claim 2 and 15, the combination of Urano and Cummer teaches the apparatus as applied above. Furthermore, Urano teaches controlling output of illegal access information stored in the memory in accordance with an output direction [column 9, lines 57-67 and column 10, lines 1-5].

6. As per claims 3, 16 and 24, the combination of Urano and Cummer teaches the apparatus as applied above. Furthermore, Urano teaches said control unit directs a set up program to read out said parameter in said first memory and to record illegal access information in said second memory [column 4, lines 55-67 and column 6, lines 30-67].

7. As per claims 4, 17 and 25, the combination of Urano and Cummer teaches the apparatus as applied above. Furthermore, Urano teaches said control unit directs an application program running on said apparatus to set and alter said parameter in said first memory via an interface prepared on a program [column 5, lines 24-39].

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8. As per claims 5, 18 and 26, the combination of Urano and Cummer teaches the apparatus as applied above. Furthermore, Urano teaches said control unit directs the program to output illegal access information [column 9, lines 57-67 and column 10, lines 1-5].

9. As per claim 6, the combination of Urano and Cummer teaches the apparatus as applied above. Furthermore, Urano teaches the apparatus wherein as said parameter recording timing representing conditions for obtaining image information is selected, set and stored in said first memory [column 7, lines 3-25 and lines 50-63].

10. As per claim 7, 19 and 27, the combination of Urano and Cummer teaches the apparatus as applied above. Furthermore, Urano teaches the apparatus wherein illegal access information data management header, a recording time, a recording timing, a recording format and illegal access information data are recorded in said second memory [column 7, lines 3-25 and lines 50-63].

11. As per claims 8-10, 20 and 28, the combination of Urano and Cummer teaches the apparatus as applied above. Furthermore, Urano teaches the apparatus wherein said recording timing of said illegal access information takes place when the power supply for said apparatus is turned on, program is activated, or operation is resumed (i.e., during log-in operations) [column 2, lines 27-32].

12. As per claim 11, the combination of Urano and Cummer teaches the method as applied above. Furthermore, Urano teaches the apparatus wherein said recording timing of illegal

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access information takes place when an illegal password is entered in said apparatus [column 6, lines 1-15].

13. As per claims 12, 21 and 29, the combination of Urano and Cummer teaches the apparatus as applied above. Furthermore, Urano teaches the apparatus wherein information acquiring format and writing mode are selected, set and stored in said first memory as said parameter [column 7, lines 28-43].

14. As per claims 13, 22 and 30 the combination of Urano and Cummer teaches the method as applied above. Furthermore, Urano teaches the apparatus wherein the mode of writing illegal access information into second memory is overwriting or an appending mode [column 5, lines 50-61].

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (703) 305-8895. The examiner can normally be reached on Monday - Friday (8:30 am - 6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

July 23, 2004

Handwritten signature
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